

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MID-CENTURY INSURANCE COMPANY,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 21-5592
	:	
v.	:	
	:	
CHAD WERLEY and JANE WERLEY,	:	
individually and as parents and natural	:	
guardians of Levi Werley, a minor,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 30th day of March, 2023, after considering: (1) the complaint filed by the plaintiff, Mid-Century Insurance Company (“Mid-Century”) (Doc. No. 1); (2) the answer and affirmative defenses to the complaint and the counterclaim filed by the defendants, Chad Werley and Jane Werley, individually and as parents and natural guardians of Levi Werley, a minor (collectively, the “Werleys”) (Doc. No. 13); (3) Mid-Century’s response to the counterclaim (Doc. No. 15); (4) the Werleys’ motion for summary judgment (Doc. No. 20); (5) Mid-Century’s cross-motion for summary judgment (Doc. No. 21); (6) Mid-Century’s response to the Werleys’ statement of undisputed material facts (Doc. No. 22); (7) the Werleys’ response to Mid-Century’s motion for summary judgment (Doc. No. 23); and (8) the arguments from counsel during oral argument on the motions on October 4, 2022, and during a subsequent on-the-record telephone conference on March 9, 2023; and for the reasons discussed in the court’s separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The Werleys’ motion for summary judgment (Doc. No. 20) is **GRANTED**;
2. Mid-Century’s cross-motion for summary judgment (Doc. No. 21) is **DENIED**;

3. Judgment is **ENTERED** in favor of the Werleys and against Mid-Century with respect to the cause of action for a declaratory judgment in the complaint;

4. Judgment is **ENTERED** in favor of the Werleys and against Mid-Century with respect to the cause of action for a declaratory judgment in the counterclaim. Mid-Century has a duty to provide UIM coverage under policy number 19180-15-76 to Levi Werley for bodily injury sustained in the underlying accident; and

5. The clerk of court is **DIRECTED** to mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.